

## Frequency in the Majority OT08

Full Term 6.29.09

The charts below measure how frequently each Justice has voted with the majority in cases decided on the merits thus far. It does not include dismissed cases where the vote was not disclosed (*al-Marri*, *Bell v. Kelly* and *Phillip Morris*), but does include the four per curiam summary reversals (*Moore*, *Spears*, *Nelson*, and *CSX Transportation*).

The first chart examines the results for all cases, the second only for divided cases with at least one dissenting vote. In each, we list the number of times each Justice has voted with the majority, the number of times each Justice has voted overall, the frequency with which each Justice has voted with the majority in OT08, and the corresponding figure for OT07.

Justice	Majority votes	Total votes	% in majority	%in OT07
Kennedy	73	79	92.4%	85.5%
Scalia	66	79	83.5%	81.2%
Thomas	64	79	81.0%	75.4%
Alito	64	79	81.0%	82.4%
Roberts	64	79	81.0%	89.7%
Breyer	59	79	74.7%	78.5%
Ginsburg	55	79	69.6%	75.4%
Souter	54	79	68.4%	76.8%
Stevens	51	79	64.6%	75.4%

Justice	Majority votes	Total votes	% in majority	%in OT07
Kennedy	47	53	88.7%	79.2%
Scalia	40	53	75.5%	64.6%
Thomas	38	53	71.7%	85.1%
Alito	38	53	71.7%	74.5%
Roberts	38	53	71.7%	72.9%
Breyer	33	53	62.3%	68.2%
Ginsburg	29	53	54.7%	64.6%
Souter	28	53	52.8%	66.7%
Stevens	25	53	47.2%	64.6%